

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES M. SWANSON,
Plaintiff,
v.
ALZA CORPORATION,
Defendant.

Case No. 12-cv-04579-PJH (KAW)

ORDER TERMINATING 8/20/14 JOINT
LETTER; ORDER STRIKING ALZA'S
9/4/14 SUPPLEMENTAL BRIEF

Dkt. Nos. 208 & 214

On August 20, 2014, the parties submitted their ninth joint letter, and eleventh discovery dispute. (8/20/14 Joint Letter, Dkt. No. 208.) In this joint letter, Defendant ALZA seeks a protective order to postpone discovery, including noticed depositions, until the Court rules on its motion for summary judgment. *Id.*

On September 3, 2014, the district court denied Plaintiff's motion to amend his inventorship contentions. (*See* Minute Entry, Dkt. No. 212.) Since the September 3rd order, as well as the district court's June 26, 2014 order limiting discovery, may significantly narrow or resolve the dispute outlined in the August 20, 2014 Joint Letter, the letter is TERMINATED.

The parties are ordered to meet and confer regarding whether there is a need to go forward with any or all of the noticed depositions. If the parties are unable to resolve this dispute without court intervention, they shall submit another joint letter. If the parties' differing interpretations of the district court's June 26, 2014 order limiting discovery in any way affects the undersigned's resolution of a subsequent joint letter, the parties must seek clarification from the district court. In an abundance of caution, the undersigned declines to speculate based on the representations of the parties in order to avoid potentially contradicting the district court. Any clarification shall be

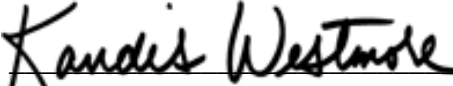
sought and obtained prior to submitting a subsequent joint letter. If that clarification resolves the dispute, the Court trusts that the parties will resolve the dispute informally.

Additionally, the Court strikes ALZA's Supplemental Discovery Letter Brief (Dkt. No. 214), because the Court did not request supplemental briefing.

The parties are directed to review Section 9 of the Northern District's Guidelines for Professional Conduct regarding discovery, available online at http://cand.uscourts.gov/professional_conduct, prior to filing any further joint letters.

IT IS SO ORDERED.

Dated: September 5, 2014


KANDIS A. WESTMORE
United States Magistrate Judge

United States District Court
Northern District of California